

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

5.45 Employee Entry into Worksites Suffering Structural Damage

Date Issued: July 14, 2006

I. Background

Heavy snowfall and rainfall can combine to create structural damage to workplaces, leaving employers to address issues that are outside the normal scope of their work. Windstorms, earthquakes, floods and mudslides can create similar problems. When such events occur employers subject to WISHA frequently request guidance regarding activity by employees in buildings that have undergone significant structural damage, including roof collapse.

II. Scope and Application

This WISHA Regional Directive (WRD) applies to all DOSH enforcement and consultation activities involving the requirements of WAC 296-800-11015 as they relate to worksites suffering structural damage. This WRD replaces, but does not substantively change WRD 5.45, issued March 20, 2002, which is hereby rescinded.

III. Interpretive Guidance

WAC 296-800-11015 states that employees are prohibited from entering, or being in, any workplace that is not safe. Other standards provide more specific guidance regarding particular situations or activities (for example, WAC 296-155, Part S provides guidance regarding demolition activities). In any case, all employers are subject to the general prohibition against requiring or allowing employees to work in "any workplace that is not safe."

IV. DOSH Enforcement Protocols

- A. *How should DOSH enforcement or consultation staff respond to inquiries about employees' entry into buildings that have suffered apparent structural damage?*
DOSH staff are expected to advise employers and others who inquire that buildings suffering apparent structural damage must not be reentered by

employees until an engineering survey has been conducted by a competent person (structural engineer, local building inspector, etc.) and any applicable local building authority requirements have been satisfied.

B. How should DOSH enforcement staff address apparent violations that result from employees' entry into a damaged structure?

In the event that DOSH enforcement staff observe employees at work in what appear to be hazardous conditions resulting from emergency adverse weather conditions or other disasters, a citation is to be issued only if the inspector documents either that the damage was such that a person with the employer's level of knowledge could clearly be expected to recognize the hazard or that previous guidance had been provided to the employer regarding the hazard.

If such employer knowledge is not present, no citation is to be issued. However, the inspector must advise the employer of the need to remove employees from the building immediately and to suspend further work until the necessary engineering survey has been performed by a competent person and all applicable local building authority requirements have been satisfied.

If an employer refuses to remove employees from a building, an inspection should be conducted and appropriate violations issued.

An Order of Immediate Restraint may also be appropriate if the hazards warrant such action and if the employer does not remove employees from the building (or if the inspector is not convinced that the employer will keep employees out of the building until the necessary engineering survey has been performed by a competent person and all applicable local building authority requirements have been met).

Approved: _____
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